

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DEBORAH J JOHNSON, <i>et al</i> ,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-05-136
	§	
CORPUS CHRISTI INDEPENDENT	§	
SCHOOL DISTRICT, <i>et al</i> ,	§	
	§	
Defendant.	§	

**MEMORANDUM OPINION AND ORDER GRANTING MOTION TO STRIKE  
DESIGNATION OF EXPERT WITNESSES**

Pending is defendants' motion to strike the plaintiffs' designation of expert witnesses (D.E. 20). Plaintiffs filed no response. According to the Local Rules of the Southern District of Texas, failure to file a response is taken as a representation that the non-moving party is not opposed to the granting of the relief requested. LR7.4.

Defendants' motion is treated as unopposed, and is granted. The scheduling order sets the deadline for designating expert witnesses at December 5, 2005. The parties jointly agreed to extend the deadline to January 3, 2006. On January 3, 2006, plaintiffs designated experts without supplying reports. Federal Rule of Civil Procedure 26(a)(2)(B) and the scheduling order require that reports be filed at the time of designation. Plaintiffs failed to supplement their designation with reports after repeated requests by defendants' counsel. Plaintiffs failed to demonstrate that they supplied reports after defendants filed their motion. Plaintiffs have cited no excuse for their dilatory conduct. The deadline for discovery is closed. Defendants have been deprived of their opportunity to depose plaintiffs' experts. Defendants cannot hire

responsive experts unless they are aware of the basis for the opinions of plaintiffs' experts. The motion has merit, and is granted. The Clerk shall strike from the record the designation of plaintiffs' experts (D.E. 19).

ORDERED this 1st day of March, 2006.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE